

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTERSCOPE RECORDS, *et al.*,

Plaintiffs,

v.

DAWNELL LEADBETTER,

Defendant.

Case No. C05-1149MJP-RSL

ORDER GRANTING PLAINTIFFS'
MOTION TO AMEND COMPLAINT


This matter comes before the Court on plaintiffs' "Motion for Leave to Amend Complaint Based on Newly Discovered Evidence" pursuant to Fed. R. Civ. P. 15. Dkt. # 17. Defendant Dawnell Leadbetter argues that, because the proposed First Amended Complaint for Copyright Infringement attached to plaintiffs' motion did not mention Donald Leadbetter by name, defendant "could not respond to this motion" Opposition at 2.

Plaintiffs have filed a praecipe correcting the caption of their proposed First Amended Complaint for Copyright Infringement to include Donald Leadbetter. The allegations of the proposed complaint go to both defendants and are unchanged from the original submission of March 29, 2006. Having heard no substantive objections to the amendment, the Court finds that leave to amend is warranted. Pursuant to Fed. R. Civ. P. 15(a), leave to amend "shall be freely given when justice so requires." There is, therefore, a "strong policy in favor of allowing amendment" after "considering four factors: bad faith, undue delay, prejudice to the

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1 opposing party, and the futility of amendment.” Kaplan v. Rose, 49 F.3d 1363, 1370 (9th Cir.
2 1994). There being no evidence of undue delay, bad faith, prejudice, or futility, plaintiffs’
3 motion to amend is GRANTED. The Clerk of Court is directed to file the proposed First
4 Amended Complaint for Copyright Infringement filed on April 4, 2006 as part of Dkt. # 19.

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6 DATED this 8th day of May, 2006.

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9 Robert S. Lasnik
10 United States District Judge
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